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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9041 of 2005

Ishwara Tatoba Gade ... Petitioner

V/s

Managing Director,
Shree Mahankali Sah. Sakhar
Karkhana Ltd. ... Respondent

Mr. Kuldeep S. Patil for the petitioner.

Mr. M.L. Patil for the respondent.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 10TH JULY, 2007.

P.C.:

1. The petitioner challenges the order of the Industrial Court passed under Section 44 in the revision application filed by the respondent. The petitioner was employed as a watchman by the respondent. He was found sleeping on duty. The charge against the petitioner has been proved. The Labour Court held that although the charge, sleeping on duty was proved, the punishment of dismissal was disproportionate and, therefore, granted reinstatement without back wages. The revisional court rightly set aside this order in view of the judgment of this Court in the case of **Barrister Prasad v/s Bharat**

Petroleum Corpn. Ltd. & anr., reported in 1997 I C.L.R. 882.

2. There is no error committed by the revisional Court. No interference is called for by this Court in its writ jurisdiction.

3. Petition rejected.

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